

**Dearborn Public Schools
Resolution Agreement
OCR Docket #15-23-1278**

Dearborn Public Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. This Agreement is being entered into voluntarily by the District before the completion of OCR's investigation and any issuance of findings and does not constitute an admission that the District violated Section 504 and Title II and those statutes' implementing regulations.

The District agrees to take the following actions:

A. ACTION STEPS: INDIVIDUAL REMEDIES

1. By **September 13, 2023**, the District will send a letter to the parent(s) or guardian(s) (parents) of each student who was enrolled in an [redacted content] [redacted content] [redacted content] [redacted content] program in classrooms 1, 2, and 5 at [redacted content] during the [redacted content] school year, notifying them that the District intends to determine whether compensatory education or other remedial services are required for the student as a result of the lack of a teacher trained in the instruction of students with [redacted content] in these classrooms during the 2022-2023 school year.
 - a. The letter will state that the District will consider all relevant information from a variety of sources, including the student's parent(s), regarding whether the [redacted content] program met the individual needs of the student during the time the student did not have a certified teacher providing instruction in the [redacted content] classroom. Such information may include, but shall not be limited to, educational records, input from teachers and parents, relevant individual determinations by other state or local entities, and actions taken by the [redacted content] program during and subsequent to the time that there was no certified teacher.
 - b. The letter will state that the District will determine whether compensatory education or other remedial services are required to remedy any educational or other deficits that resulted from the student not receiving services to which they were entitled on or before **December 1, 2023**. The letter will explain that the determination regarding compensatory education or other remedial services will occur at a review meeting that will include members of the student's Individualized Education Program (IEP) team who are knowledgeable about the student, including the student's parents (the Team).¹

¹ All of the students at issue in this case are on IEPs.

2. By **December 1, 2023**, the Team will develop a written plan for providing each student with the compensatory education or other remedial services deemed necessary. Each plan will identify the nature and amount of the services to be provided at no cost to the student's parents, the entity who will provide the services and the timeframes that the services will be provided and will become included with the student's IEP. The District will provide each student's parents with notice of the determinations made and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENTS:

- By **September 27, 2023**, the District will provide OCR with documentation that it sent the notification letters required by Action Step 1.A. above to the parents of eligible students with IEPs.
- By **December 4, 2023**, the District will provide documentation of any compensatory education or other remedial service determinations reached in accordance with Action Step A.2 above, including: documentation of attempts to invite the student' parents to the meeting, a copy of any meeting minutes, a copy of any plan developed for each student, documentation of any input the student's parents provided, documentation verifying that the District provided the parents with procedural safeguards, and any other documentation relevant to the determinations. Should the District determine that compensatory education or other remedial services were not necessary for an individual student, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- By **June 7, 2024**, the District will provide OCR with documentation verifying that it provided each student with the compensatory education or other remedial services determined to be necessary, including the dates, times, and locations that the compensatory education or other remedial services were provided to the student, and the name(s) and title(s) of the service provider(s).

B. ACTION STEPS: District-wide Remedies

1. By **November 30, 2023**, the District will develop a staffing plan (the Plan) to fully and effectively implement the IEP of each student enrolled in its [redacted content] Programs. The Plan will provide that:
 - a. The District will continue to provide appropriate services and instruction immediately and effectively when teachers and service providers resign from their positions at the District, either through contract employment or otherwise.

- b. The District will take steps to ensure that teachers and staff responsible for implementing all [redacted content] programs and services meet all state certification and endorsement requirements that pertain to those programs and services.
- c. The Plan will include a specific discussion of the steps the District will take to recruit and hire staff who are qualified to implement the services and supports to students in the District's [redacted content] programs to ensure the provision of a free and appropriate public education (FAPE).
- d. If the District utilizes substitute teachers, the Plan will detail how the District will supervise the substitute teachers including how the District will document the monitoring or training that it provides to the substitute teachers so that they may effectively and adequately provide [redacted content] program services to the students assigned to their respective classrooms or programs. The training may include any in-services, college coursework, or other appropriate education or training.
- e. If the Plan includes use of a certified teacher who is not trained in the instruction of [redacted content] students, the Plan will detail how the District will ensure that the teacher receives relevant training so that the teacher may effectively and adequately provide [redacted content] program services to the students assigned to their respective classrooms or programs.
- f. The Plan shall include a provision that the District will provide notice to parents of [redacted content] students when a certified teacher or staff is unavailable for more than ten consecutive school days and will indicate the measures in place to ensure students are provided a FAPE.
- g. The District will monitor its Plan on a periodic basis, at least every semester, to ensure both the immediacy and effectiveness of its provision of [redacted content] programs and services.

Within 45 calendar days of OCR's approval of the Plan, the District will post the Plan on the District's website. C

REPORTING REQUIREMENTS:

- By **November 30, 2023**, the District will submit to OCR documentation showing that it implemented Item B.1, including a copy of the Plan and any related documents and documentation of the training the District provided any [redacted content] substitute teachers and certified teachers who were not trained in the instruction of [redacted content] students.

Within 45 calendar days of OCR's approval of the Plan, the District will provide OCR with a link to where the District published the Plan.

- By **June 7, 2024**, the District will submit to OCR a list of the [redacted content] staff and program providers, their qualifications, a list of the students whom they serve (including types and amount of service for each student); vacancies, and documentation demonstrating the District’s efforts to fill the vacancies if sufficient staff are not available.
- By **June 7, 2024**, and **June 6, 2025**, the District will submit to OCR a report documenting its monitoring of the Plan. The reports will summarize any issues the District identifies regarding its ability to immediately and effectively provide programs and services considering its staffing levels and document any actions the District has taken or plans to take to address those issues, along with a timeframe for completing those actions.

GENERAL REQUIREMENTS

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

08/14/2023

Superintendent or Designee

Date